

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
CRIMINAL MINUTES - TRIAL

Case No. 7:08CR54

At Roanoke

Date 12/14/2009

PRESENT: HON James C. Turk

, JUDGE

S. Sakalas

Janelle Mundy

John Richmond, Cindy Chung

Deputy Clerk

Court Reporter

Asst. U.S. Attorney

U.S.A. v. (DEFENDANTS LISTED BELOW)

(1) William A. White

present custody bond O/R

(2)

present custody bond O/R

(3)

present custody bond O/R

(4)

present custody bond O/R

ATTORNEYS FOR DEFENDANTS

(1) David Damico, Raphael Ferris

present apptd. retained

(2)

present apptd. retained

(3)

present apptd. retained

(4)

present apptd. retained

Case called and continued to _____ for trial.

JURY TRIAL. The Jury impaneled and sworn (see attached list) _____ COURT TRIAL

Introduction of evidence for Government begun concluded; Continues xx

Motion for judgment of acquittal _____ granted _____ denied _____ under advisement

Introduction of evidence for defendant begun, concluded;

Motion for judgment of acquittal renewed _____ granted _____ denied _____ under advisement

Rebuttal evidence; _____ Surrebuttal evidence; _____ Evidence concluded

Case continued to _____ for further trial

Closing Arguments _____ Jury charged by court

Jury retires to deliberate at _____ jury returns at _____

JURY VERDICT. (See signed verdict as to each defendant.) _____ FINDING BY COURT.

(1) Defendant _____ (2) Defendant _____

(3) Defendant _____ (4) Defendant _____

Jury polled. _____ Polling waived. _____ Mistrial declared. _____ Jury discharged.

Motion after verdict.

JUDGMENT: _____ Defendant guilty _____ Defendant not guilty

Court received Presentence Report.

Copy of Presentence Report not requested.

A copy of same was furnished to counsel pursuant to Rule 32 F.R.C.P.

Defendant to remain on bond.

Defendant remanded to custody.

Court orders presentence report.

Case continued until _____ 20 _____ at _____ for sentencing.

SENTENCE IMPOSED

(Begin 8:55)

In Chambers - USA renews motion to exclude prior declinations of prosecution in light of 2 FBI witnesses to be called. The defendant agrees to exclude as to FBI witnesses.

Defendant objection to 404B material that may be presented with redactions. Court will rule on this as the evidence develops.

USA motion to exclude evidence of Tasha Reddick's conviction for petit larceny. Defendant argues. Court denies motion.

(Recess 9:07 - Reconvene: 9:10)

In the Presence of the jury - Roll called.
The USA continues with presentation of evidence.

(Recess 10:11 - Reconvene 10:25)

Continuation of the USA's evidence.
Out of the presence of the jury: USA plays for defense audio clips they plan to move into evidence.
In the presence of the jury: Continuation of USA's evidence presentation.

(Recess 12:39 - Reconvene 1:45)

Out of the presence of the jury: all the T-Mobile records admitted.
In the presence of the jury: Continued presentation of USA's evidence.

(Recess 3:32 - Reconvene 4:12)

Jury excused until 9:00 tomorrow morning.

(Recess 4:15 - Reconvene 4:41)

Christopher Kowalcuk appearance on behalf of South Harrison Township, NJ. C. Kowalcuk makes oral motion to allow John Eastlack to appear PHV (via telephone) to argue motion to quash subpoenas. Court grants motion to appear pro hac vice.
Parties argue motion to quash. The Court directs that the complete file on the KKK incident be delivered to counsel for the USA and defendant. The Court suppresses all other requested information.

(End 5:17)

Clerk: S. Sakalas

Total time in court: 5 hours, 53 minutes